

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

WILLIAM J. WHITSITT,
Plaintiff,

v.

CITY OF STOCKTON, et al.,
Defendants.

No. 2:20-cv-00131 KJM AC PS

ORDER

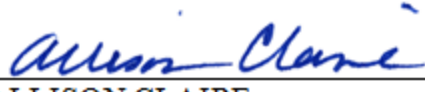
Plaintiff is proceeding in this action pro se. This matter was accordingly referred to the undersigned by E.D. Cal. 302(c)(21). Plaintiff was previously granted authority to proceed in forma pauperis pursuant to 28 U.S.C. § 1915(a)(1). ECF No. 3. His initial complaint was rejected with leave to amend. Id. Plaintiff submitted a First Amended Complaint (“FAC”) on April 20, 2020. ECF No. 7. Plaintiff subsequently submitted a motion to amend, asserting that the FAC was submitted before he received the order granting leave to amend his complaint. ECF No. 8. The undersigned has reviewed the FAC, which is nearly identical to the original complaint, and cautions plaintiff that, for the same reasons as stated in the court’s order granting leave to amend, the FAC would not have passed screening or been served on defendants.

Finding good cause, the court GRANTS plaintiff’s motion to amend (ECF No. 8). Plaintiff may file a Second Amended Complaint no later than May 29, 2020. In drafting the Second Amended Complaint, plaintiff should consider the matters addressed in the court’s initial

1 screening order, ECF No. 3. Failure to timely file an amended complaint may result in dismissal
2 for failure to prosecute.

3 IT IS SO ORDERED.

4 DATED: April 27, 2020

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6 ALLISON CLAIRE
7 UNITED STATES MAGISTRATE JUDGE
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